

COUNCIL CHAMBERS -- CITY COUNCIL  
CITY HALL --- CITY OF LODI  
March 1, 1944

REGULAR MEETING - Wednesday, March 1, 1944 beginning at  
8 o'clock P.M. P.M.T.

ROLL CALL - Councilmen present: Coffield, W.J., Riggs, W.E.,  
Spooner, W. A., Weihe, Otto A., Rinn, Robert H. (Mayor)  
Councilmen absent: None

ALSO ATTENDING - Glenn West, City Attorney, C. L. White,  
City Engineer, Jno. A. Henning, Supt. Public Utilities,  
L.F. Singer, Jr., Asst. City Engineer and Geo. D. Polenske,  
Fire Chief.

MINUTES OF PREVIOUS MEETINGS - The minutes of the last regular  
meeting held February 16, 1944 were read at length by  
the Clerk, approved as read and so endorsed by the  
Mayor, likewise the minutes of the special meeting  
held February 25, 1944.

PUBLIC HEARINGS - No persons desiring to be heard, this  
order was passed.

COMMUNICATIONS, NOTICES AND REPORTS - A letter of appreciation  
for the City's assistance in the Fourth War Bond  
Campaign was received from the local War Finance  
Committee. The Clerk was directed to obtain an itemized  
statement of the expenditures made by this committee  
from the \$150.00 appropriated therefore.

A letter and resolution from California Moose Association  
addressed to Mayor Rinn expressing thanks for local  
cooperation in making its mid-winter conference in  
Lodi a success was read by the Clerk and ordered filed.

Southern Pacific Company, in reply to the City's last  
filed complaint in regard to railroad crossings and  
West Lockeford Street, promised continuance of the work  
now underway. The Clerk was directed to express the  
City's appreciation of the work done on the Pine and  
Oak Street crossings and ask that the remaining  
crossings and West Lockeford Street receive the same  
attention in the near future.

Notice of the intended transfer of ownership of the  
alcoholic beverage licenses at 27 N. Sacramento Street  
was received from the State Board of Equalization.

Lodi Recreation Commission asked that the City  
Engineering Department inspect and appraise the  
Church building on the Northeast corner of Oak and  
Washington Streets with a view to its purchase as a  
youth center. Request granted.

Announcement of California Community Planning Institutes  
to be held in Los Angeles and in Oakland sponsored  
jointly by the League of California Cities and American  
Municipal Association to be conducted by the American  
Society of Planning Officials was received and read.  
On motion of Councilman Spooner, Riggs second, the  
City Clerk and Director of Civilian Defense were  
directed to attend the Oakland Conference, March 20 - 24th.

A letter was read from Glenn West, City Attorney  
stating the various trials, decisions and awards in  
the cases of E. D. Emery vs The Pacific Telephone and  
Telegraph Company and stating his reasons for  
recommending a compromise settlement in the pending  
case of that company against this City.

After reading of the above mentioned letter and on motion of Councilman Coffield, Weihe second, the following resolution was introduced and read:

RESOLUTION NO. 1192  
RESOLUTION DIRECTING COMPROMISE OF SUIT OF  
THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY  
VS CITY OF LODI AND AUTHORIZING PAYMENT THEREIN.

WHEREAS, there is now pending and set for trial on March 6, 1944 in the Superior Court in and for the County of San Joaquin, State of California, a certain action entitled "The Pacific Telephone and Telegraph Company, a corporation, Plaintiff vs City of Lodi, a municipal corporation, Defendant Numbered 31966, and,

WHEREAS, the said action is a result of the judgment obtained in the various cases of E. S. Emery vs The Pacific Telephone and Telegraph Company wherein the said Emery was awarded the sum of \$37,725.00 including interests and costs by the District Court of Appeals of the State of California, and,

WHEREAS, under and pursuant to a certain Joint Pole Agreement dated November 7, 1910 as said agreement was interpreted by the Court in the Emery case referred to above, this, City might be liable to pay one-half of the judgment amount obtained as aforesaid, and,

WHEREAS, this City Council being fully apprised of the facts and of the law in this matter and having fully considered the same, believes that it is to the best interests of this city that this action be not brought to trial, in as much as continued appeals taken by either party would cost far in excess of a payment of a reasonable sum in compromise thereof, which sum might finally be in excess of \$50,000.00, and,

WHEREAS, The Pacific Telephone and Telegraph Company, through its attorneys, Pillsbury, Madison and Sutro and Neumiller and Dietz have offered to compromise the said suit and action and dismiss the same on the payment of the sum of \$16,146.01 by this City to said The Pacific Telephone and Telegraph Company, therefore,

BE IT RESOLVED by this City Council of the City of Lodi in regular session on this 1st day of March, 1944, that a warrant be drawn on the City Treasury payable from the General Fund therein and in favor of The Pacific Telephone and Telegraph Company and that said warrant be delivered by Glenn West, City Attorney of the City of Lodi to the said The Pacific Telephone and Telegraph Company upon their dismissal of the suit or action subject of this Resolution, and upon said company satisfying its judgment for costs on appeal in said action, such dismissal to be with prejudice and amount to a compromise and settlement in full of all claims sued upon in said action.

The foregoing Resolution No. 1192 was then passed and adopted by the following vote:

AYES: Councilmen, Coffield, Weihe, Riggs, Spooner  
and Rinn  
NAYS: Councilmen, None  
ABSENT: Councilmen, None

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March 1, 1944  
Continued

Reports for the month of February as filed with the City Clerk by the Chief of Police and City Poundmaster were received, read and ordered filed.

RESOLUTIONS AND ORDINANCES - Resolution No. 1190 entitled "Resolution Establishing Election Precincts, Designating the Polling Places Thereof and Appointing Election Officers and Fixing Their Compensation for the General Municipal Election to be held Tuesday, April 11, 1944" was introduced on motion of Councilman Spooner, Weihe second, and carried by unanimous vote of all members of the City Council.

Execution of a contract between the City and Sanitary City Scavenger Company for garbage collection and compensation therefore was directed by the adoption of Resolution No. 1191 introduced by Councilman Coffield, Riggs second and carried by unanimous vote of all members of the City Council.

UNFINISHED BUSINESS - City Engineer C. L. White reported orally on right-of-way difficulties in the way of the proposed storm water line to the river along the Southern Pacific right of way and further action was deferred until solutions could be obtained and alterations made in the proposed agreement.

NEW BUSINESS - Business license applications first read February 2nd were approved, likewise the transfer of a beauty shop license held by Viola Fercho from 139 North School Street to 107 South Central Avenue. New applications filed by: J. S. Howen, Merchant, 21 N. School St., Nick Chotros, Merchant, 114 N. Sacramento Street and Negi Ali, 110 N. Sacramento Street were received, read and ordered to take the course prescribed by ordinance.

On motion of Councilman Spooner, Weihe second, the City Engineer's office was authorized to sell W. C. Hoegerman a lot of old lumber at Lake Park @ \$30.00 per M and an unused grader to Arthur E. Brown for \$75.00.

On recommendation of Assistant City Street Superintendent L. P. Singer, Jr., Fred M. Seibold, laborer Street Department was granted sixty days leave without pay for personal reasons effective as of March 1, 1944.

Military leave, in accordance with the provisions of resolution No. 1068 was granted Police Patrolman Alvin T. Schnabel effective from the date of his induction into the U. S. Navy, March 14, 1944.

Assistant City Engineer, L. P. Singer, Jr. reported a vine count of 814 grape vines on the westerly 80 feet of Lot 14, Live Oak Colony Map No. 1. Mr. Singer and Councilman Spooner were appointed to appraise the rental value of these vines and report at the next Council Meeting.


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March 1, 1944  
Continued

CLAIMS - Claims in the amount of \$13,313.62 (Payrolls) as approved by the Finance Committee were allowed and ordered paid on motion of Councilman Coffield, Weihe second.

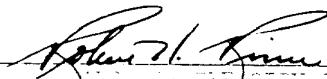
At 9:50 o'clock P.M. the City Council was resolved into executive session and the room cleared returning to open session at 10:37 o'clock P.M.

Ordinance No. 300 entitled "AN ORDINANCE FIXING THE SALARIES AND COMPENSATION OF THE CITY CLERK AND OF THE CITY TREASURER OF THE CITY OF LODI AND REPEALING ALL FORMER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH" was introduced on motion of Councilman Coffield, Weihe second, read at length by the Clerk and by the same motion ordered laid over for the statutory period of not less than five days.

At 11:05 o'clock P.M. and on motion of Councilman Weihe, the City Council adjourned to and until 5:30 o'clock P.M. (P.M.T.) of Wednesday, March 8, 1944.

  
J. F. BLAKELEY, City Clerk

The foregoing minutes of a regular meeting of the City Council of the City of Lodi, held on the 1st day of March, 1944, were read at a subsequent meeting of the City Council and approved without correction.

  
ROBERT H. QUINN, Mayor of the City of Lodi

March 15, 1944